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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23995	7590	07/26/2007		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER BLOUNT, ERIC	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,746	MAESONO ET AL.	
	Examiner	Art Unit	
	Eric M. Blount	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07052007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Request for Continued Examination (RCE) filed on July 5, 2007. Claims 1-15 are pending in the present application. Independent claim 1 has been amended to further define the instant invention. Claims 12-15 are new.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gehlot [US 6,310,542 B1].

With regard to **claim 1**, Gehlot discloses a cognitive system for a vehicle and its occupants comprising:

- A vehicle controller (Vehicle Data Processing unit (VDP), 3) that receives detection signals carrying information about vehicle operation and operating signals from the operator (column 3, lines 5-10, column 4, lines 38-47), the vehicle controller generating control signals for controlling the vehicle (column 3, lines 43-54);
- A predetermined data storage (7) for storing predetermined data selected from data appearing in the vehicle controller (Column 3, lines 12-17). It appears that all collected data is stored in the predetermined data storage. Storing all the collected data is

interpreted as a predetermined selection wherein all data should be stored in the data storage;

- A removable memory (28, 30, 32, and 34); and
- A data collection controller (input/output devices (5) column 3, lines 56-67), that receives the predetermined data from the predetermined data storage, the data collection controller including at least one code entry section for entering desired data in code, and a download section for downloading data entered in code and data in the predetermined data storage into the removable memory ((column 3, lines 55-65, column 4, line 49 – column 5, line 19). One of the input/output devices that read on a data collection controller is the card reader taught by Gehlot. The card reader receives an encoded information card (code entry). The encoded information from the information card is then downloaded to the predetermined data storage. Later, the information from the predetermined data storage (which now includes encoded information from the information cards) is output to the information card (removable memory).);
- Wherein the removable memory (information cards 28, 30, 32, and 34) in which data is downloaded is collected and provided for the analysis of driving information (column 5, lines 1-33).

With regard to **claim 4**, a plurality of data is entered in code (column 4, lines 1-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 5, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot as applied to the claims above.

As for **claims 5, 10**, Gehlot discloses that any type of information may be entered in code (column 4, lines 1-23). It would have been obvious to the skilled artisan to enter the appropriate information based on the intended use of the invention.

As for **claims 12-15**, Gehlot discloses that various detection signals are received by the vehicle controller (column 3, lines 5-12, column 4, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to monitor various vehicle and operator parameters as suggested by Gehlot in the cited passages. The signals detected and recorded would depend on the intended use of the invention, more specifically, the entity using the information, such as, a fleet owner, insurance agency, or rental car company.

7. Claims 2, 3, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot as applied to claims above, and further in view of Steiner [US 4,939,652].

With regard to **claims 2 and 3**, Gehlot does not disclose a particular method for storing data in the predetermined data storage. In an analogous art, Steiner discloses a method for storing data by a storage-saving-type data recording method (column 1, line 65 – column 2, line 6). Applicants define storage-saving-type data as a data recording method in the predetermined data storage for recording a large amount of data in a small storage (Steiner's compression methods read on this limitation). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Gehlot to include the data storage method taught by Steiner because the modification would have resulted in a data storage capable of storing a large amount of data as needed in such an invention. Examiner further contends, that any known data storage method that compresses a large amount of information would operate in the invention; the particular type would be chosen based on an engineering preference. One would obviously want to implement the most efficient data storage method. Applicant's claimed frequency-accumulation-typed data recording method lacks criticality. Applicants admit on page 13, lines 1-5 of the specification: *"There are various types of storage-saving-type data recording methods other than the frequency-accumulation-type data recording method. For example, the storage capacity can be saved by recording data that is compressed through the use of a compression technique."* This teaching shows that invention would function the same using other data storage techniques.

With regard to **claims 6 and 7**, a plurality of data is entered in code (column 4, lines 1-23).

As for **claims 8 and 9**, Gehlot discloses that any type of information may be entered in code (column 4, lines 1-23). It would have been obvious to the skilled artisan to enter the appropriate information based on the intended use of the invention.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot in view of Steiner and in further view of Bailey [US 5,550,738].

Regarding **claim 11**, neither Gehlot nor Steiner disclose the claimed frequency-accumulation-type data recording method. In analogous art, Tano et al discloses a frequency-accumulation-type data recording method, in which possible values for a given parameter are divided into ranges, actual values for given parameters are detected at predetermined time intervals, and every time an actual value that lies within one of the ranges is detected, a count value corresponding to the one of the ranges is incremented (column 14, lines 36-63). While, Tano discloses that the measure is a standard deviation, it functions the same as the applicants' frequency-accumulation-type data storage. Therefore, having all three references on hand, it would have been obvious to one of ordinary skill in the art to modify the invention of Gehlot as modified by Steiner to include the data storage techniques taught by Tano. The modification would have been obvious based on the preferences of the system controller/designer. Any known technique for storing a large amount of data would have been effective in the present invention. Applicant's claimed frequency-accumulation-typed data recording method lacks criticality. Applicants admit on page 13, lines 1-5 of the specification: *"There are various types of storage-saving-type data recording methods other than the frequency-accumulation-type data recording method. For example, the storage capacity can be saved by recording data that is compressed*

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through the use of a compression technique." This teaching shows that invention would function the same using other data storage techniques.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount
Examiner
Art Unit 2612


BENJAMIN C. LEE
PRIMARY EXAMINER